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EXTRAORDINARY

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PART II—Section 2

ग्राधिकार से प्रकाशित

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No. १] NEW DELHI, THURSDAY, FEBRUARY 22, 1973/PHALGUNA 3, 1894

इस भाग में विभिन्न पृष्ठ संख्या वाली जाती है जिससे इक या अलग संकलन के लिए इस में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 22nd February, 1973:—

BILL No. VI OF 1973

A Bill further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952.

Be it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Requisitioning and Acquisition of ~~Short title~~ Immovable Property (Amendment) Act, 1973.

2. In section 6 of the Requisitioning and Acquisition of Immovable ~~Amend-~~ 30 of 1952. Property Act, 1952, in sub-section (1A), for the words "three years" ~~ment of~~ wherever they occur, the words "five years" shall be substituted. ~~section 6.~~

STATEMENT OF OBJECTS AND REASONS

The power to requisition and to acquire immovable properties for a public purpose was first provided in the Defence of India Act, 1939, which expired on the 30th September, 1946. It was, however, found necessary to retain some of the properties for a longer period in the occupation of the Government. Therefore, it was provided in the Requisitioned Land (Continuance of Powers) Act, 1947, that any property which had been requisitioned under the Defence of India Act, 1939, would continue to remain under requisition. Subsequently, the Requisitioning and Acquisition of Immovable Property Act, 1952, was enacted to confer powers on the Government in this regard. The Act was initially to remain in operation for a period of six years but its duration was extended from time to time. The Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1970, made it a permanent measure, but restricted the period for which a requisitioned property could be retained under requisition to three years from the commencement of the Amendment Act in the case of properties requisitioned before such commencement and in the case of any property requisitioned after such commencement to three years from the date on which possession of such property was surrendered, or delivered to, or taken by, the competent authority under section 4 of the Act of 1952. As the Amendment Act of 1970 came into force on 11-3-1970, the maximum period for which properties requisitioned before the commencement of that Act can be retained under requisition will expire on the 11th March, 1973.

2. A large number of properties requisitioned under the above Act are still in the possession of the Ministry of Defence and also of some other Ministries. Although Government is expeditiously implementing the policy of acquiring or de-requisitioning the requisitioned properties, a large number of them are expected to be needed by Government even after the 10th March, 1973, for public purposes. On many of these properties, valuable constructions of a permanent nature connected with national defence or the conduct of military operations or other important public purposes have been put up. It will not be expedient to remove the structures for the purpose of release of the properties to the owners pending a decision to acquire or release the properties.

3. In the circumstances, it is considered necessary to amend the Act so as to extend by two years the maximum periods for which properties may be retained under requisition.

4. The Bill seeks to achieve the above objective. It is, however, intended to bring forward later a comprehensive legislation providing for revision of compensation and also for a longer period of requisition.

NEW DELHI;

BHOLA PASWAN SHASTRI.

The 15th February, 1973.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to make certain amendments to sub-section (1A) of section 6 of the Requisitioning and Acquisition of Immovable Property Act, 1952 for extending the maximum periods for which properties may be retained under requisition under the Act. At present in the case of properties requisitioned before the commencement of the Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1970 (*viz.* before 11-3-1970), the maximum period is three years from such commencement. This period is being extended by two years. In the case of any property requisitioned after the commencement of the Amendment Act of 1970, the maximum period which is at present three years from the date on which possession of such property was surrendered or delivered to or taken by the competent authority is being made five years from such date. The amendments proposed to section 6(1A) of the Act thus permit the retention of properties for an additional period of two years. These amendments will involve additional expenditure in the case of properties retained under requisition for the whole or any part of the additional period of two years, because compensation by way of a recurring payment towards rent will have to be paid during such period. Being of a periodical nature, this expenditure will fall under the head recurring expenditure. It is not possible to estimate accurately the quantum of this expenditure as that will depend on the number of properties which may be retained under requisition during the extended periods, but it is not likely to exceed rupees sixty five lakhs per annum.

2. The Bill does not involve any other expenditure.

B. N. BANERJEE,
Secretary.

